

“Implementing Recommendations of the 9/11 Commission Act of 2007”

H.R. 1

SEC. 504. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

- (1) in subsection (a)—
 - (A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;
 - (B) by inserting before paragraph (2), as so redesignated, the following:
“(1) **HOMELAND SECURITY INFORMATION.**—The term ‘homeland security information’ has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6U.S.C. 482(f)).”;
 - (C) by striking paragraph (3), as so redesignated, and inserting the following:
“(3) **INFORMATION SHARING ENVIRONMENT.**—The terms ‘information sharing environment’ and ‘ISE’ mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.”;
- H. R. 1—49
- (D) by striking paragraph (5), as so redesignated, and inserting the following:
“(5) **TERRORISM INFORMATION.**—The term ‘terrorism information’—
 - “(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—
 - “(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;
 - “(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;
 - “(iii) communications of or by such groups or individuals; or
 - “(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and
 - “(B) includes weapons of mass destruction information.”; and
- (E) by adding at the end the following:
“(6) **WEAPONS OF MASS DESTRUCTION INFORMATION.**—The term ‘weapons of mass destruction information’ means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for

use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.”;

- (2) in subsection (b)(2)—
 - (A) in subparagraph (H), by striking “and” at the end;
 - (B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and
 - (C) by adding at the end the following:
 - “(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;
 - “(K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;
 - “(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;
 - “(M) permits analysts to collaborate both independently and in a group (commonly known as ‘collective and noncollective collaboration’), and across multiple levels of national security information and controlled unclassified information;
 - “(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the H. R. 1—50 access, use, and retention of information within the scope of the information sharing environment; and
 - “(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.”;
- (3) in subsection (f)—
 - (A) in paragraph (1)—
 - (i) by striking “during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced” and inserting “until removed from service or replaced”; and
 - (ii) by striking “The program manager shall have and exercise governmentwide authority.” and inserting “The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including **homeland security information, terrorism information, and weapons of mass destruction information**, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law.”; and
 - (B) in paragraph (2)(A)—
 - (i) by redesignating clause (iii) as clause (v); and
 - (ii) by striking clause (ii) and inserting the following:

- “(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;
 - “(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;
 - “(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and”;
- (4) in subsection (g)—
 - (A) in paragraph (1), by striking “during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced” and inserting “until removed from service or replaced”;
 - (B) in paragraph (2)—
 - (i) in subparagraph (F), by striking “and” at the end;
 - (ii) by redesignating subparagraph (G) as subparagraph (I); and
 - (iii) by inserting after subparagraph (F) the following:
 - “(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components; H. R. 1—51
 - “(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and”;
 - (C) in paragraph (4), by inserting “(including any subsidiary group of the Information Sharing Council)” before “shall not be subject”; and
 - (D) by adding at the end the following:
 - “(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).”;
- (5) in subsection (h)(1), by striking “and annually thereafter” and inserting “and not later than June 30 of each year thereafter”; and
- (6) by striking subsection (j) and inserting the following:
 - “(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—
 - “(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

- “(A) eliminating the use of any marking or process (including ‘Originator Control’) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including **homeland security information, terrorism information, and weapons of mass destruction information**, between and among participants in the information sharing environment, unless the President has—
 - “(i) specifically exempted categories of information from such elimination; and
 - “(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and
 - “(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including **homeland security information, terrorism information, and weapons of mass destruction information**, relating to citizens and lawful permanent residents;
 - “(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including **homeland security information, terrorism information, and weapons of mass destruction information**, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully H. R. 1—52 permissible for a particular agency, component, or employee (commonly known as an ‘authorized use’ standard); and
 - “(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including **homeland security information, terrorism information, and weapons of mass destruction information**, in any cases in which—
 - “(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and
 - “(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.
- “(2) DEFINITION.—In this subsection, the term ‘anonymized data’ means data in which the individual to whom the data pertains is not identifiable

with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

“(k) **ADDITIONAL POSITIONS.**—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

“(1) activities associated with the implementation of the information sharing environment, including—

“(A) implementing the requirements under subsection(b)(2); and

“(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

“(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

“(l) **AUTHORIZATION OF APPROPRIATIONS.**—
There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 and 2009.”